

REMARKS/ARGUMENTS

Claims 1-3 are currently pending. Claims 1 and 2 have been amended. Claims 5 and 6 have been added. Claim 3 has been canceled. Upon entry of the present amendment, claims 1, 2, 5, and 6 will be pending.

Objection to the Title

The title has been objected to as allegedly not being descriptive. The title has been amended. Accordingly, withdrawal of the objection is respectfully requested.

Double Patenting Rejections

Claims 1-3 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of co-pending Application No. 10/022,695. Merely to obviate this provisional obviousness-type double patenting rejection, Applicants submit herewith a terminal disclaimer over co-pending Application No. 10/022,695.

Rejections under 35 U.S.C. §112, 2nd Paragraph

Claims 1-3 have been rejected under 35 U.S.C. §112, 2nd paragraph, as allegedly being indefinite. Claim 1 has been amended to replace “genera” with “genus”; to delete “a terpene” from the Markush group, thereby obviating the Examiner’s concern with improper Markush group language; to replace the term “increased” with the % range of the sugar content; and to recite the % range of the claimed oils. Support for the % range of sugar content can be found in the specification, page 15, lines 24-25. Support for the % range of oils can be found in the specification, page 16, lines 3-4. It is respectfully submitted that the rejections are overcome. Accordingly, withdrawal of these rejections is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-3 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Chambon *et al.* (“Chambon”) and under 35 U.S.C. §102(e) as allegedly being anticipated by U.S.

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Response to Office Action of October 15, 2004

Patent No. 6,410,755 to Millis et al. ("Millis"). These rejections are repeated from the prior Office Action. Applicants respectfully traverse the rejections.

The Examiner asserts that the claims are anticipated because Chambon and Millis allegedly disclose production of prenyl alcohols such as farnesol by culturing a strain of *Saccharomyces* in the presence of a terpene.

Claim 1 has been amended to delete "a terpene." Therefore, claim 1 does not read on either Chambon or Millis.

Accordingly, it is respectfully submitted that neither Chambon nor Millis anticipates or renders obvious claim 1 as amended. Reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) and (e) over Chambon and Millis, respectively, is respectfully requested.

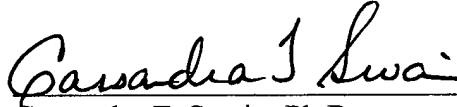
CONCLUSION

It is submitted that the subject application is now in condition for allowance, which action is earnestly solicited. The Examiner is invited to contact Applicants' representative, at the number below, to discuss any matter that would expedite allowance.

Because this response is being submitted within 3 months of the date on the Office Action, is believed that no extension of time fees are required. The Commissioner is, however, authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 for any fees deemed necessary, or to credit any overpayment.

Respectfully submitted,

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Cassandra T. Swain, Ph.D.
Registration No. 48,361

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC, 20005
Telephone: 202-220-4200
Facsimile: 202-220-4201